 1              UNITED STATES DISTRICT COURT

 2         FOR THE EASTERN DISTRICT OF WISCONSIN

 3                  MILWAUKEE DIVISION

 4

 5   JAMES HULCE on behalf of himself  )

 6   and others similarly situated,    )

 7           Plaintiff,                )

 8      vs.                            ) No. 2020-CV-775

 9   LUSTRE-CAL CORPORATION,           )

10           Defendant.                )

11

12

13

14              DEPOSITION OF JAMES HULCE

15        APPEARING REMOTELY VIA VIDEOCONFERENCE

16          FROM WAUKESHA COUNTY, WISCONSIN

17              THURSDAY, JULY 7, 2022

18            COMMENCING AT 1:03 P.M. CDT

19

20

21

22   Reported By:  Jeanette A. Sandei, CSR

23   License No.:  084-003685

24   APPEARING REMOTELY FROM GRUNDY COUNTY, ILLINOIS

1    REMOTE APPEARANCES:
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19               * * * * *
20
21
22
23
24

1            I N D E X
2   WITNESS                        PAGE
3   JAMES HULCE
4   By Mr. Kern..................................4
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10
11          E X H I B I T S
12  NUMBER                    MARKED FOR ID
13  Exhibit A (retained by counsel)..............18
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1     THE REPORTER:  Due to the need for this
2   deposition to take place remotely, the parties will
3   stipulate that the court reporter may swear in the
4   witness over videoconference.
5         Please indicate your agreement by stating
6   your name and agreement on the record beginning
7   with the noticing attorney.
8     MR. KERN:  This is Joseph Kern, and I agree.
9     MR. KAUFMAN:  Avi Kaufman on behalf of the
10  Plaintiff, and we also agree.
11          (Witness sworn.)
12          JAMES HULCE,
13  called as a witness herein, having been first duly
14  sworn, was examined and testified as follows:
15          EXAMINATION
16  BY MR. KERN:
17    Q.  Mr. Hulce, do you go by James, Jim,
18  Mr. Hulce, do you have a preference as to what I
19  call you?
20    A.  You can call me James today.
21    Q.  Okay.  James, my name is Joe Kern.  I
22  represent the Defendant in this case.  And I don't
23  know how much your attorneys have told you, and I
24  don't want to know what they have told you, but I

1   just want to go over a few logistics and background
2   as to kind of how today is going to work and kind
3   of just some of the topics I'm going to be asking
4   you questions about.
5         I guess first thing, have you given a
6   deposition before?
7         And I only ask that because if you have,
8   then you probably know how this goes.  If you
9   haven't, I'll take a little bit more time
10  explaining it.
11    A.  I have never given deposition before.
12    Q.  Okay.  So really what today is, although
13  it's being formal, and it really is formal because
14  it is part of a lawsuit, it is also informal in
15  that I'm going to be asking you questions, and
16  hopefully you can answer them.
17        And I say that, that if you need to take a
18  break, just let us know.  I'm not here -- we're not
19  here to hold you hostage.  Just if there is a
20  question pending, I just ask that you answer it
21  before we go ahead and take that break.
22        And then you see that there is a court
23  reporter not here but she is taking down everything
24  we're saying even though we're in separate

2 (Pages 2 - 5)

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1 locations. So I know in the course of ordinary
2 conversation, when you can predict someone's
3 question, you tend to jump in and answer it. And
4 I just ask that you do your best to try
5 to wait until I'm done asking a question before
6 answering it so the court reporter can take down
7 your testimony without us talking over each other.
8 And I will do the same, I will try to do my best
9 to let you finish answering a question before
10 proceeding with another question. Okay?
11    A.   Understood.
12    Q.   Okay. So I guess we can -- oh, two other
13 quick housekeeping matters that when we're in
14 person, it doesn't really come into play.
15        But is anybody in the room with you right
16 now where you're sitting for this deposition?
17    A.   No one else is in the room with me. I'm
18 alone with the door closed.
19    Q.   Okay. Perfect.
20        All right. So James, we're here to talk
21 about kind of the nature and function of your fax
22 system.
23        And I guess the first thing we'll get into
24 is you allege you received a fax on May 18th of

1 2020; is that correct?
2    A.   That is correct.
3    Q.   And that you allege that it was from my
4 client, the Defendant?
5    A.   That is correct.
6    Q.   Okay. And did you receive that fax on a
7 number (262) 293-6698?
8    A.   That is correct.
9    Q.   Okay. And is that number -- or I guess
10 it's my understanding that that's a Google Voice
11 number; is that right?
12    A.   Yes, Google Voice is the phone number --
13 is the phone service provider associated with that
14 number.
15    Q.   Okay. And how did you go about setting up
16 that number or registering that number or getting
17 that number, whatever term you want to associate
18 with that? How did you get that number?
19    MR. KAUFMAN: I object to the form.
20        But Mr. Hulce, if you understand, you can
21 respond.
22    THE WITNESS: Okay. I have a personal Google
23 Workspace domain under my personal domain name
24 jchulce.com that I use for various, you know,

1 electronic Workspace purposes. I registered a new
2 user account under that Google Workspace domain
3 to -- for the purpose of setting up and receiving
4 fax communications.
5        I then went to the Google Voice
6 application, registered a new phone number. I then
7 went to the Obihai analog telephone adapter device,
8 which I had earlier purchased, logged into the
9 administration portal, and connected that to that
10 Google Voice account and the fax at jchulce.com
11 domain, and then installed this device in the
12 basement utility room of my family home, connected
13 the telephone wiring between this analog telephone
14 adapter and the fax machine, and then proceeded to
15 finish setting up that fax machine.
16 BY MR. KERN:
17    Q.   Okay. I guess going back to the Google
18 number itself now -- thanks for that. We'll get
19 into the whole setup hopefully today.
20        But back to the specific Google number,
21 the Google Voice number, the number ending 6698,
22 did Google assign that number when you registered
23 or did you pick that number?
24    A.   I believe that was a number that was

1 provided to me when I signed up for the service. I
2 don't know if I specifically selected, you know, a
3 range of numbers or if that was just here's your
4 number, but it was provided to me when I signed up
5 for the Google Voice account.
6    Q.   Okay. And what -- do you know -- or do
7 you understand the difference, if any, between a
8 Google Voice account and a traditional, you know,
9 telephone line account?
10    MR. KAUFMAN: Objection to form.
11        You can respond if you understand.
12    THE WITNESS: Yes. Traditionally, Google Voice
13 has been used as a forwarding service provider, and
14 in most cases that's what people know it as.
15 Google Voice also has the functionality to replace
16 or act as a landline telephone service when paired
17 with an analog telephone adapter as I'm using here.
18 BY MR. KERN:
19    Q.   Okay. Is it -- aside from the analog
20 telephone adapter that you've referenced, is it
21 your understanding that Google Voice essentially
22 is -- it uses Voice over Internet Protocol
23 technology to communicate?
24    A.   Yes, that is my understanding.

3 (Pages 6 - 9)

1   Q.  Okay.  And to use Google Voice without an
2 analog -- we'll get to -- I guess we'll get to the
3 analog adapter.
4       But is it your understanding that Google
5 Voice needs some sort of Internet connection or
6 Wi-Fi or something like that to make calls?
7   MR. KAUFMAN:  Objection to the form.
8       From time to time, I will object to the
9 form.  If you understand the question, you can go
10 ahead and answer without further instruction from
11 me.  If you don't understand any part of his
12 question, let him know.
13   THE WITNESS:  Okay.  Yes, it is my
14 understanding that Google Voice, if you're using
15 a Google Voice application or the Google Voice
16 website, requires an Internet connection via any
17 available connectivity means in order to use the
18 Google Voice service.
19 BY MR. KERN:
20   Q.  I guess put more simply, without the
21 Internet working or the Internet on, Google Voice
22 doesn't work; is that your understanding?
23   A.  In the way that I use Google Voice, yes.
24   Q.  Okay.  And you signed up for that Google

1 Voice number it looks like on March 23rd, 2017.
2       Does that sound right?
3   A.  Yes, that sounds approximately correct.
4   Q.  Okay.  And when I use -- I'm going to use
5 the term VoIP a lot today.
6       Do you know what that term stands for?
7   A.  Yes.  I understand the term VoIP to be an
8 acronym for Voice over Internet Protocol.
9   Q.  Okay.  And do you know what Voice over
10 Internet Protocol means?
11   A.  Yes.  I understand that Voice over
12 Internet Protocol refers to the technological means
13 of sending and receiving voice band telephone data
14 over an Internet connection.
15   Q.  Okay.  So going forward, I'd like to be
16 able to just use the term VoIP rather than refer to
17 Voice over Internet Protocol, if that's okay.
18       Other than your Google Voice -- other than
19 the -- well, strike that.
20       Do you have any other numbers through
21 Google Voice or just the 6698 number?
22   A.  Yes, I have several different numbers
23 through Google Voice for different purposes, you
24 know, personal ventures, other personal

1 communications, family communications.  And because
2 Google Voice allows signing up for different
3 accounts, I signed up for the 6698 number that is
4 just dedicated for fax.
5   Q.  That was sort of my next question.  Any of
6 the other numbers you have through Google Voice, do
7 you use those for faxes?
8   A.  No, I currently and have not recently used
9 any of the other numbers for faxing.
10   Q.  Okay.  Now -- and we'll get -- I guess
11 we're going to bounce back and forth from the OBi
12 device and the Google Voice account.
13       With respect to the OBi device -- well,
14 yeah, with respect to the OBi device, did -- how
15 many Google Voice numbers did you use with the OBi
16 device?
17   MR. KAUFMAN:  Objection to form.  What time
18 frame?
19 BY MR. KERN:
20   Q.  You can answer the question if you
21 understand it.
22   A.  Are you talking about time frame recently
23 or...
24   Q.  I didn't specify time frame, so my

1 question is more generally.
2       I guess how many different phone -- Google
3 Voice numbers have you used with OBi devices?
4   A.  Okay.  So the Obihai analog telephone
5 adapter in question here, it supports two different
6 phone ports for two independent call paths.
7       I have one dedicated call path for the
8 6698 number that is exclusively used for faxing.  I
9 utilize the other port and the other call path for
10 a generic home landline that's used for phone calls
11 and other miscellaneous purposes but is also on the
12 Google Voice account.
13       Both accounts are also connected to a 911
14 service provider in order to enable outgoing 911
15 calls should the need arise.
16   Q.  Do you -- I guess what's your -- I think
17 you said that the OBi device, the Lexmark printer
18 are at your address located at -- or currently
19 are physically located at your address
20 N79W15359 Goldenrod Drive; is that right?
21   A.  Yes, that is correct.
22   Q.  Do you have any other traditional type
23 of -- strike that.
24       Do you have any nonVoIP phone services

4 (Pages 10 - 13)

1 connected to that address?
2   A.  Not presently.
3   Q.  Okay.  Have you since 20 -- did you --
4 sorry.
5       Did you have any nonVoIP telephone
6 services connected to that address as of May 18th,
7 2020, when you allegedly received the fax at issue
8 in this case?
9   A.  Not at that time.
10   Q.  Okay.  So I guess put another way, the
11 only telephone services at that address that you
12 had as of May 18th, 2020, were VoIP-type telephone
13 services, correct?
14   A.  That is correct.
15   Q.  Would you agree that VoIP telephone
16 services don't use traditional telephone lines?
17   MR. KAUFMAN:  Objection to form.
18   THE WITNESS:  No, I do not agree.
19 BY MR. KERN:
20   Q.  And why do you not agree?
21   A.  From the prospective of any telephone
22 apparatus that I have that I would interact with my
23 analog telephone adapter, it is exactly the same as
24 any traditional telephone service.  It still uses

1 the same analog signals, the same connectors, the
2 same wiring.  From the perspective of my fax
3 machine or the telephones that I have connected to
4 the other line, it does not matter where the
5 service comes from.  It's the same.
6   Q.  If we -- would your answer change if no
7 adapter like the OBi adapter you were using was in
8 play?
9   MR. KAUFMAN:  Objection to form.
10   THE WITNESS:  So you're asking, you know, if
11 I didn't have this system that I have right now,
12 would I still consider this to be a traditional
13 phone line?
14 BY MR. KERN:
15   Q.  Yes.
16   A.  The meaning of a phone line has changed
17 dramatically with technology, so I would honestly
18 still say yes, it would still be a phone line.
19   Q.  Do you understand how Google transmits
20 data using the Google Voice service?
21   A.  Yes.  I understand that the Google Voice
22 Voice over Internet Protocol service is implemented
23 using an initiation protocol to set up and maintain
24 and tear down VoIP calls and then calls also

1 transmitted as the UT data package to and from my
2 analog telephone adapter.
3   Q.  Would you agree that because Google Voice
4 is using the Internet or a broadband type of
5 connection that it is using or transmitting data
6 digitally?
7   A.  Yes, I agree that it is transmitting a
8 digitalized version of the data.
9   Q.  Okay.  So in this particular circumstance,
10 would you agree -- or with respect to your Google
11 Voice account, would you agree that Google Voice is
12 transmitting data digitally to your home?
13   A.  Yes.
14   Q.  Now, I'm not talking about what happens
15 to data once it arrives in your home, but from
16 wherever Google is transmitting to your home, you'd
17 agree that that's occurring digitally over the
18 Internet, correct?
19   A.  Yes, that is correct.
20   Q.  With the -- I know your allegation is that
21 you used an OBi device with your system that you
22 have set up here.
23       Is it the OBi202 or the OBi212?
24   A.  It is the OBi212.  This is the model that

1 has -- supports two phone jacks.
2   Q.  Okay.
3   A.  As mentioned previously, I have one jack
4 that supports the faxing purposes and the other
5 jack that supports a general landline usage.
6   Q.  Okay.  And I see that the OBi device was
7 purchased on August 21st, 2015.
8       Does that sound right?
9   A.  Yes, that sounds right.
10   Q.  And that that purchase -- or that the OBi
11 device was purchased on Amazon?
12   A.  Yes, that is correct.
13   Q.  Okay.  By the way, I know you produced
14 documents in this case, and I know I forwarded them
15 to your attorneys along with a couple other
16 exhibits that I might reference today.
17       Do you happen to have those handy where
18 you are that you can look at, or do you prefer that
19 I share my screen and show you the documents,
20 whatever is easier?
21   A.  I have all of the Exhibits A through E
22 from the email opened in front of me.  Just please
23 refer to the page number, and I will be able to see
24 what you're talking about.

5 (Pages 14 - 17)

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1    Q.  Okay.  All right.  Perfect.
2       So if you can just turn to the document
3  which at the bottom says HULCE306.
4       Let me know when you're there.
5    A.  Which exhibit is this in?
6    Q.  Oh, sorry.  It's Exhibit A.  And then at
7  the bottom, there will be a -- what we call a Bates
8  number.  It says HULCE000306.
9    A.  One moment.
10      Okay.  I have that page open.
11   Q.  Okay.  So this is the -- does this -- do
12  you recognize what this document is?
13   A.  Yes.
14   Q.  And what do you recognize this document
15  as?
16   A.  This is an amazon.com order for an Obihai
17  telephone adapter.
18   Q.  Okay. So I know earlier we were talking
19  about whether you used an OBi202 or an OBi212, and
20  I think you testified that you used an OBi212, but
21  this order -- this Amazon order reflects an order
22  for an OBi202 device; is that right?
23   A.  Yes, that is correct.  And the reason what
24  this was is there was some confusion with Amazon

1  when they were shipping this.  They shipped an
2  incorrect model a few times, and we had to do some
3  returns.
4    Q.  Okay.  So --
5    A.  And I --
6    Q.  Sorry.  Go ahead.
7    A.  I did end up with the Obihai device that
8  has two ports.  I am not exactly sure what model
9  number it is.
10   Q.  Okay.  So I guess do you know whether
11  you're actually using the OBi202 or the 212?
12   A.  I am -- I'm not sure at this moment.
13   Q.  Okay.
14   A.  I know it's an Obihai 200 series analog
15  telephone adapter.
16   Q.  Okay.  All right.  Now, if you scroll down
17  in that same exhibit, the Amazon order form, it
18  says Billing Address and then it says Craig Hulce
19  and then there's an address listed below that; is
20  that correct?
21   A.  Yes.  That is my address.
22   Q.  Who is Craig Hulce?
23   A.  Craig is my father.  He gets a lot of
24  Amazon gift cards from various giveaways or work --

1  side work that he does, and it was just billed to
2  him.
3    Q.  Okay.  Is this -- was this OBi device
4  reflected on Page 306 purchased under his Amazon
5  account or your Amazon account?
6    A.  This receipt does not indicate which
7  account it was purchased under, so I --
8    Q.  Okay.
9    A.  -- can't answer that question.
10   Q.  Separate from HULCE306, do you recall if
11  it was purchased under your account or his account?
12   A.  I do not recall what account it was
13  purchased under.
14   Q.  Okay.  And on the form we're looking at
15  on 306, it says that the payment method was a
16  Master Card, digits ending 4711.
17      Do you see that?
18   A.  Yes.
19   Q.  Is that your dad's credit card?
20   A.  I do not recall whose credit card number
21  that those numbers belong to.
22   Q.  Do you know if you had a credit card
23  ending 4711?
24   A.  I've had many credit cards over the years.

1  I don't remember what all the numbers of all of
2  them.
3    Q.  Okay.  So as you --
4    A.  Especially in 2018.
5    Q.  So as you sit here today, you don't know
6  if this 4711 credit card was your credit card or
7  your dad's credit card?
8    A.  That is correct.  I do not recall what
9  credit card number I had in 2015.
10   Q.  Okay.  So the OBi device was purchased on
11  Amazon.
12      Did it eventually arrive at the shipping
13  address reflected on 306?
14   A.  I eventually received an Obihai device at
15  this shipping address, correct.  As mentioned
16  earlier, there was some confusion with Amazon with
17  shipping a different model that only had one port.
18  I had to do some exchange procedure but eventually
19  received the two-port Obihai device that I was
20  expecting.
21   Q.  Okay.  Do you know about when you received
22  the device that you were expecting?
23   A.  Either in August or September of 2015.
24   Q.  Okay.  So when you get that device, walk

6 (Pages 18 - 21)

1 me through how you set up the OBi device.
2   A.  The OBi device comes in a cardboard
3 package which includes the device itself, which is
4 the size of a few decks of cards, a power adapter,
5 and a network cable.
6       I proceeded to go to our basement utility
7 room where all of our utility services are in our
8 house.  At that time we were just doing some
9 internal reconfiguration of our phone wiring, so I
10 was able to just unplug the phone wiring from the
11 previous landline service provider from our local
12 telephone company and wire that connection for our
13 home internal phone wiring into the phone jack of
14 the back of the OBi device.
15      I connected an ethernet network cable
16 between one of the network ports on the OBi device
17 to our router, and connected the power cable
18 between an electrical outlet and the OBi device.
19      After that, I opened my computer, I went
20 to the administration portal for the OBi device, I
21 believe it's called OBiTALK, I went through some
22 account setup, registration procedure, and at that
23 point I signed into a different Google Voice
24 account that I had at that time to perform some

1 testing and troubleshooting.
2       And I had that for some time.  It was back
3 in 2016 that my family formally transferred our
4 previous landline telephone service from the local
5 telephone company and ported that to a different
6 Google Voice account that is one of the call paths
7 being used on the OBi device.
8       And then in 20 -- at that point, I went
9 to the OBiTALK portal again and signed into that
10 Google Voice account and configured that to make
11 and receive calls on one of the phone ports on the
12 OBi device.
13      And later in 2017, when I registered that
14 6698 Google Voice number for faxing, I repeated the
15 same procedure.  I signed up for that Google Voice
16 account and then went to OBiTALK, added another
17 service provider setting, and configured that --
18 the other phone port to make and receive calls
19 using that Google Voice account.
20   Q.  Do you understand what the purpose of the
21 OBi device is?
22   A.  Yes.  The OBi device is to act as an
23 alternative means of delivering telephone service
24 over the Internet.

1   Q.  Okay.  So I think you said in 2016, your
2 parents ported the landline number to Google Voice.
3       Did I hear you right?
4   A.  No, that was not correct.  I was the one
5 who performed the porting to Google Voice.
6   Q.  Okay.  But was the year correct, was it in
7 2016?
8   A.  Yes.  It was on or around April 2016.
9 That's when we ported our long-time landline number
10 to Google Voice.
11   Q.  Okay.  So at the time you ported that, you
12 had no telephone service coming into the house.
13 The only service you had coming in was through
14 Google Voice; is that correct?
15   A.  Yes.  At the time of porting that number,
16 the landline service through the local telephone
17 company was cancelled, and we made and received
18 calls exclusively through the Google Voice service
19 on the analog telephone adapter.
20   Q.  And did that remain constant through the
21 date you allegedly received this fax in May of
22 2018 -- or, sorry, May of 2020?
23   A.  Yes, it has remained constant ever since.
24   Q.  Okay.  When you ported that number to

1 Google Voice, did you have to notify your local
2 telephone company that you would no longer be
3 needing its telephone services at your home?
4   A.  No.  They automatically cancelled the
5 account once the port completed.
6   Q.  And when they cancelled the account, does
7 that mean that if you were to plug a normal phone
8 into the phone jack, you would get no dial tone?
9   A.  As I mentioned previously, all of the
10 phone jacks in my home are connected to the phone
11 port on the Obihai device, and they receive dial
12 tone through that, through the Google Voice service
13 that is configured on that device, so that is not
14 true.  Any phone that is plugged in will still
15 receive a dial tone.
16   Q.  Yeah, I guess that was a bad question, so
17 thank you for your answer.
18      I guess what I meant to ask, after you
19 ported that telephone service, without the OBi
20 device, if you just went to the store -- if you
21 went to the store, bought a telephone, plugged it
22 directly into the wall without the use of any OBi
23 device, would you get a dial tone on that phone?
24   A.  No, because there was no active service

7 (Pages 22 - 25)

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1 account associated with, you know, the telephone
2 wiring from the outside service provider.
3    Q.   Okay.  So after you ported that number,
4 all telephone services were through Google Voice;
5 is that correct?
6    A.   Yes, that is correct.
7    Q.   So this OBi device that you received --
8 you ultimately received, I think you started
9 touching upon it, but it has two -- it has two
10 phone ports?
11    A.   Yes, that is correct.  There are two
12 analog telephone ports on the rear of the OBi
13 device.
14    Q.   Okay.  And I've tried to Google the thing
15 to get an idea of what it looks like.
16       It seems to me that they are on the back
17 of the device; is that right?
18    A.   Yes, that is correct.
19    Q.   Okay.  And then it seems like there's also
20 a plug-in for a power cord that you'd have to
21 connect to the wall to get power?
22    A.   Yes, that is correct.
23    Q.   And then it looks like there's also a
24 place to hook up an ethernet type of cord; is that

1 right?
2    A.   Yes, that is correct.
3    Q.   Okay.  And on your particular setup,
4 did you -- I think you maybe touched upon it, so
5 if I'm repeating my questions or something you
6 volunteered, I apologize.
7       But did you in setting this up take an
8 ethernet cord and plug it into the back of the OBi
9 device and then connect the other end of that cord
10 into your modem or router?
11    A.   Yes, that is correct.
12    Q.   And what was the purpose of connecting the
13 ethernet cord to the back of the OBi device and
14 then the ethernet cord into your modem or router?
15    A.   The purpose of that connection is to
16 provide Internet connectivity to the OBi device.
17    Q.   And I assume you connected that because
18 the modem -- or the modem somehow needs to
19 communicate with the OBi device; is that right?
20    A.   Yes, that is correct.
21    Q.   So essentially information is coming to
22 your house over the Internet, the modem or router
23 is then communicating that information to the OBi
24 device; is that accurate?

1    MR. KAUFMAN:  Objection to form.
2    THE WITNESS:  I didn't hear the question.
3 BY MR. KERN:
4    Q.   So was the purpose of connecting the OBi
5 device to your modem or router so that the OBi
6 device can receive information transmitted over the
7 Internet to your house?
8    A.   Yes, that is correct.
9    Q.   Could the OBi device work without being
10 connected to the Internet?
11    A.   The OBi device would not be able to
12 interface with Google Voice without being connected
13 to the Internet.
14    Q.   Is there a way to wirelessly connect an
15 OBi device to the Internet, or does it need to be
16 sort of hardwired via some sort of ethernet cable
17 or similar cable?
18    A.   The OBi devices have a external add-on
19 Wi-Fi adapter that is available as a separate
20 purchase where they could wirelessly connect to any
21 WiFi network and reach the Internet that way.  I
22 have never used such an adapter.
23    Q.   Do you agree that the purpose of the
24 OBi device is to take information, transmit it

1 digitally, and convert it to some other format?
2    A.   Yes.
3    MR. KAUFMAN:  Objection to form.
4 BY MR. KERN:
5    Q.   So there are two phone ports on the back
6 of the OBi device.  I think you said earlier -- and
7 if you did, I apologize -- but you said that one of
8 the ports you connected to -- and we'll get into
9 more about the Lexmark printer, but one of the
10 phone ports you connected to the Lexmark printer;
11 is that right?
12    A.   Yes, that is correct.
13    Q.   Okay.  So essentially there is a wire
14 on the back of the OBi device connected to --
15 connected somewhere to the printer.
16    A.   Yes.  The wire plugged into that port in
17 the back of the OBi device then connects to the
18 phone wiring that is inside the walls of my home,
19 then reaches the phone jack located at the
20 printer's location, where another phone cord
21 connects from that jack to the phone jack on the
22 back of the printer.
23    Q.   Maybe I have this backwards.  Is the
24 printer connected via cable to a phone jack in the

8 (Pages 26 - 29)

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1 wall of your home?
2    A. Yes.
3    Q. It is directly connected to the wall jack?
4    A. Yes.
5    Q. Okay. So the OBi device is not connected
6 to the printer in the sense that there is a cable
7 going directly from the OBi device directly to the
8 printer?
9    A. There is an indirect connection between
10 the OBi device and the printer through the phone
11 wiring that is installed in -- through the walls of
12 the building.
13    Q. Okay. Is the OBi device and the Lexmark
14 printer in the same location in your house?
15    A. No. They're on other sides of the home.
16    Q. So the -- so what room is the OBi device
17 in?
18    A. The OBi device is in a basement utility
19 closet. It's in one extreme corner of the home.
20    Q. Okay. And where is the printer?
21    A. The printer is on a -- is in the office
22 that is on the other side of the home on the main
23 floor.
24    Q. Okay. So I just want to make sure I

1 understand the sort of hard-wiring setup. So you
2 have the OBi device in your basement, you take that
3 device -- take a phone port on that device, plug a
4 phone cord into the back of the device, and then
5 plug it into the wall jack in your house?
6    A. Yes.
7    Q. Okay. And the other phone port in the
8 back of the OBi device, is that being utilized in
9 any way?
10    A. Yes.
11    Q. How are you utilizing that?
12    A. That phone port connects to a different
13 set of phone wiring also in -- you know, that runs
14 throughout the home. And that phone port is used
15 for various landline telephones and other various
16 cordless phones, hardwired phones, occasionally
17 used for interfacing with various modems and
18 computers and any other landline telephone
19 purposes.
20    Q. So if the OBi device is in your basement,
21 I assume that's where the router and/or modem also
22 is, since you said the OBi device is plugged into
23 the router and/or modem?
24    A. Yes, the OBi device is located in the

1 vicinity of the router and modem.
2    Q. I think you said then the Lexmark printer
3 in a different room is plugged directly into a wall
4 jack in that room, right?
5    A. Yes, that is correct.
6    Q. So do you have any idea how the OBi device
7 is communicating with that printer?
8    A. Yes. I recently completed a -- the
9 renovation to the phone wiring inside the home.
10 This project involved tracing the paths and
11 ensuring the connectivity of all of the phone
12 and data wiring. So during this project, I mapped
13 out the specific wires that ran between that
14 wall jack where the printer is located and the
15 corresponding junction box in the basement utility
16 room.
17     So, yes, I could point out the exact path
18 the phone wiring takes between the back of the
19 Obihai device and the Lexmark printer.
20    Q. Okay. And this wiring that's basically
21 allowing the OBi to communicate with the printer is
22 all internal in your home, correct?
23    A. Yes, this is all internal in the walls of
24 the home.

1    Q. In other words, you're not using some
2 outside telephone service provider so that the OBi
3 can communicate with the Lexmark printer?
4    A. That is correct. There is no other
5 outside interface to this wiring. It is internal
6 only.
7    Q. Do you have to pay a fee for Google Voice
8 to -- do you pay a fee to Google Voice to use the
9 6698 number?
10    A. I am grandfathered into a free tiered
11 Google Voice. At this point, I do not pay anything
12 to Google in order to use that number.
13    Q. Okay. What about the OBi device, other
14 than purchasing and paying for the OBi device, does
15 OBi charge you any kind of fee to utilize that
16 device?
17    A. I have not paid any ongoing usage fee to
18 OBi to use that device.
19    Q. So if I can direct your attention to
20 Exhibit A, and at the bottom that would be
21 HULCE00293.
22    Once you get there, let me know if you're
23 there.
24    A. Yes, I am open to the page you referenced.

9 (Pages 30 - 33)

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1  Q.  Okay.  And at the top there, it says OBi202.
2     Do you see that?
3  A.  Yes.
4  Q.  Okay.  So this is a document you produced.
5     And I think you said that you ultimately
6  ended up with the OBi212 device; is that correct?
7  A.  As mentioned earlier, I am confused about
8  the exact model number of the device.  I know it is
9  from this series of Obihai devices.
10  Q.  Okay.  Well, I guess since we're here,
11  we'll look at it, this document.
12     So do you see that first paragraph that
13  the -- the one that starts with "with the OBi202"?
14  A.  Yes.
15  Q.  Do you see that?
16     The very last sentence of that paragraph
17  reads, The OBi202 supports the T.38 fax standard
18  for reliable facsimile calls over the Internet.
19     Do you see that?
20  A.  Yes, I see that sentence.
21  Q.  So does that mean that the OBi device is
22  allowing you to receive faxes over the Internet?
23  A.  This sentence is not relevant to my setup.
24  I have disabled the T.38 standard in the settings

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1  pages that are also attached to this exhibit.
2  Q.  Okay.  And I am not a tech person so this
3  may sound like a very obvious question, but why
4  would you disable a T.38 fax standard?
5  A.  T.38 is an optional standard for -- that
6  aims to improve the ability to send and receive
7  faxes over the Internet.
8     In real life, that has not been achieved.
9  There are numerous potential problems associated
10  with this standard.  And also, it is not fully
11  supported by all telephone service providers.  I
12  believe that Google Voice does not support this
13  standard.
14     I later through various testing determined
15  that the best way to send and receive faxes and
16  other modem communications through the Google Voice
17  service on the OBi device was to implement a
18  different set of configuration settings that was
19  optimized for the modem connectivity.
20  Q.  How many different settings did you have
21  to change to make the system operate how you have
22  it operating?
23  A.  I do not recall a specific number.
24  Q.  Would you say more than 50 or less than 50?

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1  A.  Substantially less than 50.
2  Q.  Okay.  Would you say more or less than 10?
3  A.  Ten approximately seems around that
4  number.
5  Q.  Okay.  So if you disabled the T.38 fax
6  standard, I assume -- and you correct me if I'm
7  wrong -- I assume that means that you had to set
8  some other standard so Google Voice could
9  communicate with the OBi device; is that right?
10  A.  No, that is not correct.  By default, it
11  just has a standard codec that it falls back on,
12  and disabling T.38 just ensures that it basically
13  always used the stable default.
14  Q.  So just trying to get a handle.  Is the
15  T.38 fax standard setting on the OBi the default
16  setting or is the other setting you're mentioning
17  the default setting?
18  A.  The question you're asking is not clear.
19  It does not correspond to the way that things
20  actually work.
21     Both devices, including this Obihai analog
22  telephone adapter, normally ship with a suite of
23  different communication standards that are
24  optimized for various purposes and conditions.

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1     Normally, there is one specific telephone
2  codec that's called G.711.U that is essentially the
3  universal standard of VoIP codecs.  Any VoIP device
4  will -- or service provider will generally have
5  that as a base option and then all of the other
6  options are available.
7     So both Google Voice and the OBi device
8  had that G.711.U voice codec standard enabled.  And
9  I simply went in and ensured that the T.38 standard
10  was turned off on the OBi device so that it would
11  not be used.
12  Q.  Okay.  And I guess that parlays us or
13  moves us to the G.711 standard.
14     Can you just turn to the next page or
15  click to the next page in Exhibit A, which is
16  HULCE000294.
17     And let me know when you're there.
18  A.  I'm there.
19  Q.  So if you go down to about the middle of
20  the page, there is a heading entitled Powerful Call
21  Routing and Voice Service Features.
22     Do you see that?
23  A.  Yes.
24  Q.  And the very first bullet point reads

10 (Pages 34 - 37)

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1 SIP support for Voice and Fax Over IP (T.38 and
2 G.711 pass-thru) from Internet telephony service
3 providers.
4        Does that -- I read that as the G.711
5 being just a different way to receive a fax over
6 the Internet via OBi.
7        Is that an accurate -- do you and I have
8 the same understanding?
9    A.   That would not be a fully accurate
10 statement.  G.711 is a way of encoding voice band
11 data into an audio -- digital audio stream.  G.711
12 is used for just about any Voice over Internet
13 Protocol call, whether that be over voice, over
14 modem, over fax.
15        In this case, the G.711 pass-thru
16 references a configuration mechanism for ensuring
17 that voice modem -- that modem devices can just
18 simply communicate as best as possible using the
19 G.711 standard.
20    Q.   Earlier and I think a few times, you
21 referenced the OBi device as an analog adapter; is
22 that right?
23    A.   Yes, I have been referencing this OBi
24 device as an analog telephone adapter, analog

1 adapter, or in shorthand abbreviation as an ATA.
2    Q.   So is the purpose of the OBi device
3 then to convert data digitally received over the
4 Internet from Google Voice to analog format?
5    A.   Yes, that is correct.  The purpose of the
6 device is to communicate with an Internet telephone
7 service provider such as Google Voice over the
8 Internet using the ethernet network ports on the
9 back of the device and to interface that service
10 with the analog telephone jacks also located on the
11 back of the device.
12    Q.   And this conversion from digital to analog
13 is exclusively happening inside of your home,
14 correct?
15    A.   Yes.
16    Q.   No external telephone lines are being
17 used, correct?
18    A.   That is correct.
19    Q.   No third-party telephone service is
20 involved in that process; is that correct?
21    A.   That is correct.
22    Q.   And why would one need to convert -- well,
23 strike that.
24        Like I said, I'm not a tech person.  In

1 the age of -- in the digital age, why would one
2 want to convert digital data to analog format?
3    A.   It's because even though many
4 communications nowadays run over the Internet, many
5 types of, you know, instruments or devices still
6 have or rely on an analog telephone jack.
7        All of the phones in my home still
8 interact with an analog telephone jack.  And the
9 same as the fax machine that I have, the Lexmark
10 fax machine does not have the ability to send or
11 receive faxes over the Internet.  The only way that
12 that device can send and receive faxes is with a
13 analog telephone jack.
14    Q.   But for that device to also receive faxes,
15 you do need the Internet in your home to be
16 operating, correct?
17    A.   Yes, in order for the analog telephone
18 adapter, or otherwise known as the OBi device, to
19 interface with Google Voice in order to send and
20 receive any type of call, I must have a functioning
21 Internet connection.
22    Q.   And in addition to having that device
23 to be able to communicate, you also need the
24 functioning Internet for the data coming into your

1 house digitally to actually arrive in your house;
2 is that correct?
3    A.   Yes, that is correct.
4    Q.   In other words, if the Internet's down,
5 you're not getting any calls over Google Voice,
6 you're not getting any faxes through Google Voice
7 through the OBi to the Lexmark, correct?
8    A.   That is correct.
9    MR. KAUFMAN:  Objection to form.
10 BY MR. KERN:
11    Q.   Kind of bouncing around here, but if you
12 can -- well, let me move on to the printer.
13        So if you can -- I want to go back to
14 Exhibit A and turn to HULCE18.
15        Let me know when you're there.
16    A.   I have that page open.
17    Q.   Okay.  So do you recognize this page?
18    A.   Yes, I recognize this page.  This is the
19 Amazon order receipt for an order with printer
20 paper and the Lexmark color multi-function laser
21 printer.
22    Q.   Okay.  And it looks like this Lexmark
23 printer was purchased on August 18th, 2019; is that
24 right?

11 (Pages 38 - 41)

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1    A.  Yes, that is correct.
2    Q.  Okay.  And it looks like the shipping
3  address and the billing address is for a Craig
4  Hulce; is that right?
5    A.  Yes, that is correct.
6       I remember at this time, my father had his
7  computer open and decided that we together would
8  purchase this, and he purchased the Lexmark printer
9  per my instructions.
10    Q.  Okay.  So you said we together decided
11  he'd purchase this.
12       Does that mean that this printer is -- you
13  guys both use this printer and decided to purchase
14  it together?
15    A.  We had a previous color multi-function
16  laser printer also with fax capabilities that was
17  in the same position that was reaching the end
18  of its life.  He does a substantial amount of
19  printing on this printer and directed me to find a
20  replacement printer that had similar capabilities.
21       I did various Internet searches for a
22  multi-function color laser printer with fax
23  capabilities and provided this model number to him.
24  At that point, he had his computer open to the

1  electronic means such as Venmo, QuickPay, anything
2  like that?
3    MR. KAUFMAN:  Objection to form.
4    THE WITNESS:  I do not recall what financial
5  arrangements were made for this printer.
6  BY MR. KERN:
7    Q.  Well, I assume since we're here today,
8  eventually this Lexmark printer arrived at your
9  home, correct?
10    A.  Yes, eventually the Lexmark printer
11  arrived at the home.
12    Q.  And when it arrived, I assume there was
13  some setup involved; is that correct?
14    A.  Yes, that is correct.
15    Q.  Who set up the printer, you or your father
16  or both of you?
17    A.  I exclusively set up the printer and
18  configured all its functioning.
19    Q.  Okay.  So we touched upon this when you
20  were talking about the OBi device and Google Voice,
21  but trying to get a sense of what happened in terms
22  of setting this printer up.
23       So you get this printer, you take it out
24  of the box, then what happens?

1  Amazon website while I was there and purchased the
2  printer.
3    Q.  So he instructed you to do the research --
4  and I'm paraphrasing.  And if this is wrong, you
5  correct me.  He instructed you to do some research
6  on a printer, you did such research, you determined
7  this was a good printer, and then he went ahead and
8  purchased it?
9    MR. KAUFMAN:  Objection to form.
10    THE WITNESS:  Yes, that would be a correct
11  summary of what happened.
12  BY MR. KERN:
13    Q.  Okay.  And I see that the -- did he pay
14  for this printer or did you pay for this printer?
15    A.  I do not recall what credit card number
16  that is.
17    Q.  Okay.  The credit card number is 3359.  I
18  understand that it's about three years ago.
19       Do you under -- do you ever recall having
20  a credit card number ending with 3359?
21    A.  I can't remember what credit card number I
22  had three years ago.
23    Q.  Do you ever recall paying your father
24  cash for this purchase or paying him via other

1    A.  Take it out of the box, connect all of the
2  cabling for the power cable and the phone cable to
3  the fax port on the printer, turn on the printer,
4  open up a computer, and navigate to the printer's
5  online administrative portal.
6       At that point, I configured such settings
7  as the name of the printer, location, performed an
8  online registration with the manufacturer, enabled
9  the fax function, configured the fax machine name
10  and number, and performed a number of other
11  preferences related to printing and operation of
12  the machine.
13    Q.  So I know we talked about it earlier, and
14  you just mentioned it again.
15       So you take the printer, and you plug --
16  I guess is there a phone line in the back of
17  the printer or a place where a traditional
18  phone-looking wire can be plugged in?
19    A.  Yes, the rear of the printer has a
20  traditional analog phone jack.
21    Q.  When you say traditional analog phone
22  jack, I'm thinking of just the old-school phone
23  jack that I believe were just sort of copper wiring
24  with the plastic end that you plug in one end and

1 plug in one end.
2        Is that the type of cord we're talking
3 about?
4    MR. KAUFMAN:  Objection to form.
5    THE WITNESS:  Yes, that is what we're talking
6 about.
7 BY MR. KERN:
8    Q.  Okay.  And you take one end, you plug it
9 into the back of the printer, correct?
10    A.  Yes.
11    Q.  And then as we mentioned earlier, you take
12 the other end, you plug it into a wall jack in the
13 room where the printer is, correct?
14    A.  Yes, that is correct.
15    Q.  That wall jack you plugged it into at this
16 point in time had no telephone service from any
17 third-party telephone provider, correct?
18    A.  At that point, that wall jack had
19 telephone service through Google Voice at the 6698
20 number.
21    Q.  Correct.  But other than through Google
22 Voice, there was no other third-party telephone
23 provider providing telephone services to your home,
24 correct?

1    A.  Other than Google Voice and the other
2 911-only provider that I mentioned earlier, there
3 were no other service providers providing telephone
4 service to this home at that time.
5    Q.  And you're not alleging that you received
6 a fax having anything to do with that 911 service
7 provider, correct?
8    A.  Correct.  That service provider is only
9 used in the event that someone in the home needs to
10 make an outgoing 911 call using the landline phone.
11 There -- I have not ever received any incoming
12 calls on that number.  That number does not have
13 any incoming calls or the ability to make any
14 outgoing calls except for an emergency situation.
15 I am not alleging that that 911 service provider is
16 involved in any way in this situation.
17    Q.  Okay.  And then we've established that
18 that wall jack where the printer is plugged into
19 is communicating internally somehow with the OBi
20 device through the wires in the walls in your
21 house, correct?
22    A.  Yes, that is correct.
23    Q.  When you set up the Lexmark printer, did
24 you have to connect it -- the printer itself to the

1 Internet?
2    A.  Yes.  The printer is a network-capable
3 printer for the -- as far as the printing and
4 scanning functions go.  I did connect that to our
5 home network.  May have been through Wi-Fi or may
6 have been through a different network jack, but,
7 yes, I did also -- that was included in the other
8 settings that I configured when setting up the
9 printer.
10    Q.  Okay.  And I think I have a similar
11 printer myself in that when you mean that it
12 connected to the home network or connected to some
13 sort of Wi-Fi, meaning when you scan a document,
14 you can put a document on there, scan it, and
15 directly be sent to your email, correct?
16    A.  The printer does theoretically have the
17 capability like that.  I have never set up that
18 specific capability.  I only use the scanning
19 function through the Lexmark app on my phone or
20 tablet.
21    Q.  And what does that mean?  So if you scan a
22 document on Lexmark, what happens?  Where does it
23 go?
24    A.  I would have to initiate the scanning

1 procedure by opening up the Lexmark mobile
2 application on my smartphone or tablet, selecting
3 the printer, confirming the details of the scan,
4 and then the printer would scan whatever materials
5 I had inserted into the scanning apparatus, and the
6 scanned document would appear on the smartphone
7 application where I could then, you know, do
8 whatever with it on any smartphone service.
9    Q.  When you set up the printer, did you ever
10 have to enter an email address into the printer
11 itself?
12    MR. KAUFMAN:  Objection to the form.
13    THE WITNESS:  Into the printer itself, no.
14        I did separately complete a product
15 registration with the manufacturer which did
16 require contact information, but that was not
17 part of the printer settings or the printer
18 configuration on the printer itself.
19 BY MR. KERN:
20    Q.  Okay.  I know we're bouncing around,
21 but we're going to go back to Exhibit A, Hulce
22 Number 9, back to talking about the Google Voice
23 account.
24    A.  Okay.  I have that open.

13 (Pages 46 - 49)

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1 Q. Okay. So do you recognize Exhibit A,
2 Hulce Number 9?
3 A. Yes.
4 Q. Okay. What do you recognize this to be?
5 A. I recognize this to be a screenshot of the
6 settings portal for Google Voice associated with
7 the 6698 number.
8 Q. Okay. I imagine that you printed -- or
9 strike that.
10 Did you have to log into your Google
11 account to view these settings?
12 A. Yes, the settings page requires logging
13 into the associated Google account.
14 Q. Okay. And on the top left corner there, I
15 see a date of May 6th, 2022, 8:21 p.m.
16 Do you see that?
17 A. Yes, I see that date. That is the date
18 that I captured the screenshot in order to provide
19 the exhibit.
20 Q. Okay. So this screenshot is showing us
21 the settings as of May 6th, 2022; is that correct?
22 A. Yes, that is correct.
23 Q. Between the time you set up your Google
24 Voice number in I believe it was 2017, the 6698

1 Google Voice number, to May 6th, 2022, did you ever
2 change the settings associated with the Google
3 Voice number ending 6698?
4 A. At this -- the settings -- I have kept
5 the OBiTALK device as the 500446281 ATA. That is
6 the analog telephone adapter that I referenced
7 throughout this deposition that has remained in the
8 settings page.
9 The other devices on there are just used
10 for troubleshooting and verifying functionality of
11 the Google Voice account. Those may have changed
12 since that time. But those other devices are not
13 involved in sending or receiving faxes and are not
14 alleged to be involved in this case.
15 MR. KAUFMAN: Hey, Joe, if it's a good
16 opportunity, can we take a little break? We've
17 been going about an hour.
18 MR. KERN: Yeah. How long do you think, Avi?
19 What do you guys want?
20 MR. KAUFMAN: About five minutes?
21 MR. KERN: That sounds good.
22 THE WITNESS: Yeah.
23 MR. KERN: Yeah.
24 MR. KAUFMAN: All right.

1 MR. KERN: Thank you.
2 MR. KAUFMAN: Thank you.
3 (A break was taken.)
4 BY MR. KERN:
5 Q. All right. So I believe we left off at
6 Exhibit A, Hulce Number 9, so turning to there. So
7 that page says Google Voice number and it says
8 (262) 293-6698.
9 Do you see that?
10 A. Yes.
11 Q. And that's the number that you allege you
12 received the fax at issue on, correct?
13 A. Yes, that is correct.
14 Q. Okay. And below that, it says My Devices.
15 And it basically says four things, Web, OBiTALK
16 Device, Android Device, OBiTALK Device.
17 Do you see those four things?
18 A. Yes, I see those four things.
19 Q. Does that mean that these four devices are
20 associated with that 6698 number?
21 A. This My Devices means at some point or
22 another, these four devices have logged into the
23 Google Voice account associated with that number.
24 The first one, Web, is the web interface

1 that you are looking at in the screenshot that
2 simply means that someone has connected to the
3 Google's website and logged in with this user
4 account and browsed the information associated with
5 the number.
6 The second device listed there, the
7 OBiTALK Device 500446280 ATA, that is the analog
8 telephone adapter or ATA OBi device we have been
9 referring to throughout this deposition.
10 The Android device is some other
11 smartphone which I used at some point to
12 troubleshoot or review information associated with
13 this account.
14 The final device, another OBiTALK Device,
15 the 630378315 Desk Phone, that is another OBiTALK
16 device which I connected through this account at
17 one point to just verify calling functionality.
18 These last two -- these last two
19 devices are not involved in any way of -- in the
20 sending or receiving of faxes, and besides the
21 troubleshooting or functionality verification are
22 not used in any way on this number.
23 Q. Okay. You mentioned the second device
24 there, the OBiTALK Device, the one that's

14 (Pages 50 - 53)

1 starting -- that ends with -- looks like it's maybe
2 a serial number, product number, but the one that
3 ends with we'll just say ATA.
4       That's the device that you're claiming was
5 used in the setup to receive the fax at issue here,
6 correct?
7    A.  Yes, that is correct.
8    Q.  Okay.  So how did Google -- I imagine that
9 you had to tell Google Voice, hey, I have this
10 OBiTALK device, please communicate with it.
11       Is that kind of how the process works?
12    MR. KAUFMAN:  Objection to form.
13    THE WITNESS:  This process is initiated through
14 the OBi device's online configuration portal.  I
15 believe it goes by the name OBiTALK.
16       At that point, there is a menu to add a
17 service provider.  Google Voice is one of the
18 options in there.  Upon clicking on that button, it
19 takes you to a Google Voice log-in screen, where I
20 provided the Google Voice log-in information and
21 then accepted some permission or connection
22 consent, at which point the OBiTALK service was
23 able to connect to the Google Voice account.
24

1 BY MR. KERN:
2    Q.  Okay.  So the kind of order of the steps
3 to set this up, excluding the printer for now, you
4 sign up for the Google Voice.  A couple of years
5 later, you get the OBi device.  Once you get the
6 OBi device, you go to OBi's website.  In the
7 process of setting that up, you're changing
8 settings to basically associate that OBiTALK device
9 with the Google Voice number.
10       Is that about right in terms -- in lay
11 terms on how this gets set up?
12    A.  That is about right.  The sequencing is
13 not quite correct.
14       As we covered earlier, I ordered this
15 OBiTALK -- this OBi device in 2015.  The 6698
16 Google Voice service was established a few years
17 later, I believe it was in 2017 was the date we
18 established on that.  But otherwise, that sequence
19 is correct.
20    Q.  Okay.  Yeah, so I'm sorry about that.
21 You're right, the OBi device, 2015.  Set up the
22 Google device number ending 6698, 2017.
23       When you set that Google Voice number up,
24 you then had to go back to the OBiTALK device

1 either online or somehow on the device and tell
2 that device to then communicate with Google Voice?
3    A.  Yes, that is correct.
4    Q.  Now, if you scroll down on Exhibit A to
5 HULCE10, still the settings page, or at the top it
6 says Settings.  And then right below it, it says
7 Forward Messages to Email.
8       Do you see that?
9    A.  Yes.
10    Q.  And that setting is on.
11       Does that mean that if someone tries
12 calling the 6698 number or faxing that 6698 number,
13 that it will forward that to your email?
14    A.  As Google Voice has no native faxing
15 capability, Google Voice has no ability itself to
16 send or receive faxes and is not aware of any fax
17 communications that go through its service.
18       Google Voice is primarily intended as for
19 consumer communications needs, including calling
20 and text messaging.  It is my understanding through
21 using Google Voice for many years that this Forward
22 Messages to Email refers exclusively to incoming
23 text messages such as like SMS or MMS texting, and
24 the setting would enable any incoming text messages

1 that this number would receive be forwarded to
2 the email address that is listed on the screenshot
3 there.
4       This is enabled just in case anyone would
5 attempt to send a text to this number for some
6 miscellaneous reason, that I would still be able to
7 receive that text message.
8       I have never received any forwarded fax
9 communication to this email address because Google
10 does not have the functionality to do that.
11    Q.  So Google Voice itself does not have the
12 functionality to send a fax is what you're saying,
13 correct?
14    MR. KAUFMAN:  Objection to form.
15    THE WITNESS:  Yes, Google Voice itself through
16 the web interface or any Google Voice application
17 does not have the ability to perform any faxing.
18 Performing any faxing requires an analog telephone
19 adapter device, such as the model that I have,
20 potentially any other option, in order to interact
21 with a fax machine.
22 BY MR. KERN:
23    Q.  Right.  Someone -- if someone has a Google
24 Voice account or a Google Voice phone number that

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1 they want to receive faxes on, they either need to
2 set something up like you set up or use some other
3 third party, you know, e-fax type service, or some
4 third party or some other device has to be
5 involved; is that a fair statement?
6    MR. KAUFMAN:  Objection to form.
7    THE WITNESS:  Yes, that is a fair statement.
8 BY MR. KERN:
9    Q.   In this particular case, you chose the
10 OBi device to allow Google Voice to communicate --
11 strike that.
12       Keep scrolling down on that page, Page 10.
13 There's a heading again called My Devices.
14       Do you see that?
15    A.   Yes, I see that.
16    Q.   Okay.  There -- and there, there's Web,
17 and it looks like that's checked on.  And below
18 that, there's the OBiTALK device, the ATA one,
19 which I believe is the one at issue, and you -- and
20 it looks like that one is checked on.
21       Did you change the settings to have those
22 basically look like they're checked on?
23    A.   The settings for the Web device and the
24 OBiTALK ATA device referred to in My Devices on

1 the associated Lexmark fax machine, and instead the
2 caller would just receive ringing for a while and
3 eventually they may receive a prompt that the party
4 is not available or a voicemail intercept or
5 something like that.
6    Q.   Okay.  Put another way, you don't want to
7 receive any calls or faxes at that 6698 number, you
8 go in here, you uncheck this, and you won't get
9 either, right?
10    A.   Yes, that is correct.
11    Q.   Going down to HULCE11 on Exhibit A still,
12 entitled Settings, there's -- sort of the first
13 setting there is -- it says Get Email Alerts For
14 Missed Calls.
15       Do you see that?
16    A.   Yes, I see that.
17    Q.   And you put your email in there, which is
18 fax@jhulce.com, and you either turned that on or
19 Google defaulted that on; is that right?
20    A.   Yes.  I believe that option is defaulted
21 on.
22    Q.   Okay.  And why would -- well, strike that.
23       Does this mean that if someone tries
24 calling the 6698 number, you'll get an email that

1 Page 10 have not changed since I registered this
2 Google Voice account.  Both of those have been
3 required to be on in order to make and receive
4 calls, including fax calls, on the OBi device.
5    Q.   Okay.  Right.  But you went on there and
6 changed these settings to make these the active
7 devices with this 6698 number, right?
8    A.   I believe Google automatically activates
9 incoming calls on any devices that are associated
10 with the account.  I do not believe I had to
11 specifically turn these on.
12       I know that I did specifically disable
13 incoming calls on the other devices just because
14 they are not used for the primary purpose of this
15 line, which is faxing.
16    Q.   Okay.  So if you hypothetically were to
17 sort of uncheck or turn off the OBiTALK device at
18 issue on this screen, would that mean that you
19 would receive no calls or no faxes at the 6698
20 number other than --
21    A.   Yes, if I turned off that switch that was
22 next to the OBiTALK Device with the ATA, what would
23 happen was then no incoming calls on the 6698
24 number would ring through on the OBi device or on

1 someone tried calling you?
2    A.   Yes.  If someone calls but for some reason
3 the call was not answered, that associated email
4 address will receive an alert which simply states
5 that that specified caller number attempted to
6 reach this number and there was a missed call at a
7 specific time.  There's no other information than
8 that.
9    Q.   It indicates -- like your situation where
10 you have it through the OBi device connected to the
11 printer, if someone calls that 6698 number, would
12 you get alerts if someone was trying to fax or call
13 that number based on this setting?
14    A.   So if the call was answered by the fax
15 machine, I would not receive an email alert because
16 in that case it would not be a missed call.  As far
17 as Google Voice was concerned, the call was
18 answered.
19       I have this setting enabled because from
20 time to time the fax machine has been not
21 operational for various reasons, and this just
22 alerted me that someone was attempting to
23 communicate with me on this line and to investigate
24 that situation.

16 (Pages 58 - 61)

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1    Q.   Okay.  Now, down to the next box in
2  settings, there's a box -- or a heading titled
3  Do Not Disturb.
4        Do you see that?
5    A.   Yes, I see that.
6    Q.   Below that, it says Do Not Disturb again.
7  And below that, it says Send Calls to Voicemail.
8  And it looks like you can turn it on and off.
9        Do you see that?
10   A.   Yes, I see that.
11   Q.   If you were to turn this on -- it looks
12 like you switched it off, is that right, or the
13 default setting was off, one or the other?
14   A.   I believe the default setting is off, but,
15 yes, it is off in this screenshot.
16   Q.   Okay.  If you would have turned this on,
17 would you receive any calls or any faxes at the
18 6698 number as far as you know?
19   A.   If I would turn this on, I would not
20 receive any incoming calls for any reason on the
21 6698 number.  Any incoming callers would receive an
22 intercept message that the party was unavailable or
23 potentially a voicemail recording option.
24   Q.   You wouldn't receive any other -- any

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1  faxes either, right?
2    A.   I would not receive any other faxes
3  because, as Google is concerned, they are simply
4  incoming calls.
5    Q.   So if we go to HULCE -- still in
6  Exhibit A, we're going to go to HULCE -- we can go
7  to HULCE22 and 23.
8        Let me know when you're there.
9    A.   I'm there.
10   Q.   Okay.  So this looks like it's a log of
11 faxes you sent or received.
12       Is that what this is?
13   A.   Yes.  This is a log of sent and received
14 faxes characterizing the action that was performed,
15 the date, the time, the type of transaction, an
16 index number, the length of the transaction, the
17 type of fax, speed protocol, the other fax name and
18 machine name and number involved, any pages, and
19 the status and protocols involved on that fax
20 transaction.
21   Q.   Okay.  And is this something that you --
22 strike that.
23       Did you -- does this show the entire fax
24 log history from the date the printer was installed

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1  at least until April 5th, 2022?
2    A.   I do not believe this shows the entirety
3  of this.  The previous entry in this log is from
4  September of 2019.  I believe I may have made
5  some -- sent or received some faxes before then.
6  However, I -- the fax machine either does not
7  retain an unlimited number of records, or the
8  records were lost during some update or other
9  procedure sometime, you know, in the past.
10   Q.   Okay.
11   A.   But this does have everything from
12 20 -- from September 2019 all the way through
13 the date that I printed this log on May 6th of
14 2022.
15   Q.   Okay.  And I think the printer was
16 purchased and set up in or around August 2019, so
17 at most we're looking at about a month of any faxes
18 just not appearing on this log, right?
19   A.   Yes, that is correct.
20   Q.   Okay.  So we're going to go down to the
21 log for the date that says 5/18/2020.
22       Do you see that?
23   A.   Yes.
24   Q.   Okay.  And is that the fax that you allege

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1  you received from my client, the Defendant?
2    A.   Yes, that is the fax I allege I received
3  from your client.
4    Q.   Okay.  And I'm just going to go all the
5  way to the far right where it says Status and it
6  says Okay, dash, dash, V.29 AM31.
7        Do you know what V.29 AM31 stands for?
8    A.   Yes.  Per my understanding, V.29 refers
9  to the fax modem standard which was used in the
10 communication between your client's fax machine or
11 fax service provider and my fax machine.  The AM31
12 is a related status code.
13   Q.   Okay.  So I don't see you sending or
14 receiving any other faxes on May 18th, 2020; is
15 that right?
16   A.   That is correct.
17   Q.   Do you recall making any attempts to
18 receive -- sorry.
19       Do you recall making any attempts to send
20 a fax on May 18th, 2020?
21   A.   I do not recall any attempt to send a
22 outgoing fax on May 18th, 2020.
23   Q.   If you just go up to the nine -- the
24 entry or the log or the fax or the event on

17 (Pages 62 - 65)

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1 September 3rd, 2020.
2     Do you see that?
3   A.  Yes.
4   Q.  And that says Received.  But then if you
5 go to the far right, again under Status, it looks
6 like it has a different code, and this one says
7 E-703.
8     Do you know what that stands for or means?
9   A.  I do not know what E-703 means.  I presume
10 it to be some sort of erroneous issue.
11   Q.  So I counted these up, and I don't know
12 if you have or want to now, but I show that you
13 received -- well, at least it says received.  I
14 don't know if it actually went through because some
15 were cancelled.  But it looks like there were five
16 faxes -- or strike that.
17     It looks to me -- excluding faxes that
18 were cancelled, it looks like you received five
19 faxes from September 28th, 2019, through the date
20 that you printed this log; is that right?  And you
21 can take a minute to count them if you need to.
22   A.  Yeah, that seems approximately correct,
23 yes.
24   Q.  Okay.  In other words, you don't receive

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1 too many faxes on this 6698 number, correct?
2   A.  I don't receive, I would say, a lot of
3 faxes, but I do utilize this what I would consider
4 to be a fair amount.
5     Back in June of 2022 this year, I did make
6 six faxes from this number, so it is important for
7 me to have this number available for whenever I
8 need to make some kind of fax communication.
9   Q.  Right.  Okay.  But you didn't try to
10 make any faxes or send any fax on May 18th, 2020,
11 right?
12   A.  That is correct.
13   Q.  So we'll get -- I kind of -- I know it's
14 going to be a little painstaking, but I just want
15 to get into the settings of the Lexmark, the OBi,
16 and the -- well, we did Google Voice, so we don't
17 need to do that again.
18     So if you go to the next page, we'll
19 kind of go in order here, and it's on HULCE24 of
20 Exhibit A.  It looks like fax settings or the
21 settings of the Lexmark.
22     Do you see that page, HULCE24?
23   A.  Yes, I see that page.
24   Q.  Okay.  So I guess just at the very, very

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1 top there -- or what do you recognize this page to
2 be?
3   A.  I recognize this to be a page from the
4 Lexmark printer's web configuration interface, and
5 this specific page is for configuring the fax
6 settings.
7   Q.  And I assume you had to log in to -- it
8 looks like you had to log in online to obtain these
9 settings; is that correct?
10   A.  Yes.  This page is reached by opening a
11 computer web browser to the printer's URL.
12   Q.  And it looks like you logged in and
13 printed this page that's a screenshot of settings
14 on May 6th, 2022; is that right?
15   A.  Yes, that is correct.
16   Q.  Did you make any changes to these settings
17 from the date you installed the printer until you
18 took this screenshot on May 6th, 2022?
19   A.  I do not recall making any changes to the
20 settings between that interval.
21   Q.  Okay.  All right.  So there in the top
22 left corner, you see where it says IP Address?
23   A.  Yes.
24   Q.  And IP address, I think it stands for

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1 Internet Protocol address, is that right, as far as
2 you know?
3   A.  Yes, that's my understanding.
4   Q.  And then it actually has an IP address,
5 right?
6   A.  Yes.
7   Q.  Does that mean that this Lexmark printer
8 is connected to the internet?
9   A.  This IP address is an address on my home
10 network, which indicates that this printer is
11 connected to a network which itself does have a
12 connection to the Internet, so yes.
13   Q.  Okay.  All right.  So we're scrolling
14 down here.  And where it says Fax Setup and under
15 General Fax Settings, it looks like there's a box
16 that says Fax Name.
17     And then it appears you put in Hulce; is
18 that correct?
19   A.  Yes, I put in my last name there.
20   Q.  Okay.  And then below that, it says Fax
21 Number.
22     And it appears you entered the 6698 fax
23 number in that box, correct?
24   A.  Yes, that is correct.

18 (Pages 66 - 69)

1    Q.  And then fax -- it says Fax ID and it says
2 Fax Number.
3       Do you know what that means?
4    A.  I believe that refers to how the fax
5 machine identifies itself.
6    Q.  Okay.  And then it says couple pages
7 down -- or rows down, it says Cancel Faxes, then it
8 says Allow.
9       What does that mean?
10   A.  I do not know what that setting refers to,
11 and I do not recall ever changing that setting.
12   Q.  Okay.  All right.  So if you go down now
13 to HULCE26 of Exhibit A, it looks like this is
14 more showing us or reflecting more settings of the
15 Lexmark printer; is that correct?
16   A.  Yes.  This series of documents that begins
17 on HULCE26 in Exhibit A is an export of the Lexmark
18 printer's configuration settings as they were on
19 May 6th, 2022.
20   Q.  Did you make any changes to the printer
21 from May 1st, 2020, through the day you printed
22 this, May 6th, 2022?
23   A.  There may have been minor changes which
24 are not substantive to the case at issue here.  Any

1 changes which were made do not affect the way that
2 the printer center received faxes or interfaced
3 with the phone network.
4    Q.  Okay.  Hold on a second.  Trying to figure
5 out where we're going on this settings page.
6       Okay.  You can go down to Page 40,
7 HULCE40, of Exhibit A.
8       Let me know when you're there.
9    A.  All right, I'm there.
10   Q.  Okay.  So this reflects more fax settings;
11 is that correct?
12   A.  Yes.
13   Q.  Okay.  Now, the top of the page says Fax
14 Default.  It looks like there's Fax Mode and says
15 Equals Fax.
16       Do you see that?
17   A.  Yes.
18   Q.  Is that something that you set or a
19 default setting?
20   A.  This is a -- this document is an export
21 of the entire printer settings.  Not all of these
22 settings are exposed to a user or available for me
23 to set.  And this is not a mirror of what's
24 available to the user of the printer.  So I cannot

1 explicitly say what everything means.  I do not
2 know what Fax Mode Equals Fax refers to.
3    Q.  Okay.  If you go down to Page 41, there at
4 the top it says Holding Faxes.
5       Do you see that heading?
6    A.  Yes, I see that heading.
7    Q.  And then there's a -- looks like it says
8 Hold Fax Mode and it says Equals Off.
9       Do you see that?
10   A.  Yes, I see that.
11   Q.  Do you know if this printer had a function
12 where you can hold faxes?
13   A.  I believe this printer did have such a
14 function.  I have never enabled or used such a
15 function.
16   Q.  And if you were to turn this on, this
17 holding fax option, what do you understand that
18 that would do?
19   A.  Per my understanding, this would store
20 incoming faxes for later retrieval.
21   Q.  In other words, it wouldn't automatically
22 print them, correct?
23   A.  Yes, that is correct.
24   Q.  And then below there, it looks like

1 there's a heading that says Admin Controls.
2       Do you see that?
3    A.  Yes.
4    Q.  And it says Enable Fax Received, and it
5 looks like it is an option to make you turn it on
6 and off, and it's on, correct?
7    A.  Yes, that is correct.
8    Q.  Did you choose to turn that on?
9       In other words, I know we said some of
10 these aren't so much user settings, they're just
11 settings in general.
12       But do you recall if this is an option or
13 a setting that you turned on versus turning it off?
14   A.  I believe this was set when I performed
15 the initial setup of the printer and activated the
16 faxing functionality.
17   Q.  Okay.  Do you have an understanding
18 what would happen if you changed this setting to
19 off?
20   A.  If I changed the setting to off, I -- as
21 far as I understand, the printer would no longer
22 receive incoming fax messages.
23   Q.  Okay.  And then under the same Admin
24 Control setting, looks like there's a Fax

19 (Pages 70 - 73)

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1 Forwarding setting.
2     Do you see that?
3   A.  Yes, I see that.
4   Q.  And it looks like it is set to Print.
5     Do you see that?
6   A.  Yes, I see that.
7   Q.  But it also looks like there's an option
8 to have the faxes forwarded to a different
9 destination.
10     Is that your understanding?
11   A.  Yes.  Per my understanding, there is some
12 capability to perform other actions with incoming
13 faxes, although I have never explored or enabled
14 such functionality.
15   Q.  Do you know if you can change the settings
16 on this particular printer to forward faxes to an
17 email if you choose to set that up?
18   A.  I do not know for certain.  I have never
19 investigated such options.
20   Q.  Okay.  Regardless, you -- strike that.
21     Is this Fax Forwarding Print setting a
22 setting you chose or is it a setting that the
23 Lexmark just defaulted to?
24   A.  I believe this is a default functionality.

1 I never selected any other routing for faxes
2 besides just turning on the fax receive
3 functionality during the initial setup of the
4 printer.
5   Q.  Let me go to page -- go to page --
6 Hulce Page 6 of Exhibit A.
7     Let me know when you're there.
8   A.  I'm there.
9   Q.  Okay.  So this -- do you recognize this
10 document?
11   A.  Yes.  I recognize this to be a call log
12 from the OBi device's web interface.
13   Q.  Okay.  And it says Polycom on the bottom.
14 Best I can tell, Polycom bought OBi.
15     Is that your understanding?
16   A.  Yes, it is my understanding that Polycom
17 acquired OBi sometime in the recent years, which
18 resulted in some branding items on these interfaces
19 being changed to reflect the Polycom brand.
20   Q.  Okay.  So if we go down to May 18th or
21 the -- it says call 97, right in the middle of
22 the page.
23     Do you see that entry?
24   A.  Yes.

1   Q.  Okay.  It says the date is May 18th, 2020.
2 And below there, it says from SP3.
3     Do you know what SP3 means?
4   A.  Yes.  SP3 refers to the Google Voice
5 account ending in 6698.  SP is a shorthand for
6 service provider.  This SP3 reflects that that
7 6698 account was configured as the third service
8 provider slot on this OBi device.
9   Q.  Is it basically saying that this call came
10 from Google Voice?
11   A.  Yes.  This from SP3 means that it came
12 from the Google Voice account ending in 6698.
13   Q.  Or put another way, this call was
14 transmitted through Google Voice?
15   A.  Yes.
16   Q.  Okay.  And there to the right, it says
17 PH2.
18     What does PH2 mean?
19   A.  PH2 refers to the second phone jack on the
20 back of the OBi device that is the jack that is
21 connected through the home wiring to the Lexmark
22 printer.
23   Q.  Okay.  And you -- correct me if -- or
24 strike that.

1     Did you have to designate this Service
2 Provider 3 as Google Voice as part of setting up
3 this system?
4   A.  So the OBiTALK web administration
5 interface presents a menu with multiple different
6 service provider option slots where you can --
7 where any user can log into a service provider, and
8 then there is another option near that to determine
9 where incoming and outgoing calls from each phone
10 jack end up.
11     So, yes, I did have to select under
12 Service Provider 3 that I wanted this specific
13 Google Voice account to be in that slot.  Then on
14 the Phone Port 2, I had to check that I wanted it
15 to receive incoming calls from this specific
16 service provider.
17   Q.  And is this entry we're looking at, as you
18 understand it, the log of the transmission or fax
19 at issue?
20   A.  Yes.  From what I understand, this is a
21 recording of all the events associated with any
22 calls on this device beginning at 15:14 and 13
23 seconds, which is when the call from your client
24 was received by the OBi device.  Again in that same

1 seconds was when it began sending a ringing signal
2 on the phone jack. At 15:14 and 17 seconds, I
3 understand that to be when the Lexmark fax machine
4 answered the call and began communicating with your
5 client's fax service. And then at 15:15 and 41
6 seconds, I believe that is the point when the call
7 ended as the Lexmark fax machine had finished
8 receiving the fax transmission from your client and
9 hung up the line.
10   Q. Just trying to get a handle on the device
11 settings here. So if you go to the next entry, for
12 example, the entry is not all that important, but I
13 do see that there it says from PH1 and it looks
14 like it's going to Service Provider 2.
15     Is that you making an outbound call, or
16 what's happening with that event, if you know, or
17 what is that event reflecting, if you know?
18   A. So we're still on HULCE6 on Exhibit A?
19   Q. Yes.
20   A. Okay. Yeah, so the other events on this
21 page, specifically call 98, call 99, and call 100,
22 are various other calls that were made on the other
23 phone jack, Phone Jack 1 on the OBi device, also on
24 May 18th of 2020, to, you know, other phone numbers

1 which are listed on the right.
2   Q. Okay. And you had to go into the OBi
3 device or on OBi's web interface and select that
4 phone port to be associated with that other --
5 looks like a different phone number, not the 6698
6 phone number, correct?
7   A. Yes. I had to -- I go in the web
8 interface, which I believe there is a screenshot
9 of that on the next page of this exhibit, which
10 details the call routing between each service
11 provider and each phone jack.
12   Q. Yeah, and we'll get there.
13     But Service Provider 2, do you know
14 what -- did you have to designate what -- or that
15 service provider?
16   A. Can you clarify what you mean by designate
17 the service provider?
18   Q. Did you have to select the service
19 provider that was providing the service to the
20 Phone Port 1?
21   A. Yes.
22   Q. And do you know who the service provider
23 for that port was, who SP2 was in this instance?
24   A. SP2 in this instance is a different Google

1 Voice line which I also maintain. That is a Google
2 Voice line which contains the number that was my
3 family's traditional landline number from our local
4 telephone company, which I then ported over to
5 Google Voice in 2016. And PH1 is the phone port
6 that we used for all the miscellaneous landline
7 phone communications.
8   Q. And go down to HULCE7.
9   A. Yes.
10   Q. Is that the OBi web interface you were
11 mentioning?
12   A. Yes. This page, HULCE7 on Exhibit A,
13 is the OBiTALK web interface which I referenced
14 earlier, of which this is a screen which allows for
15 configuration of how incoming and outgoing calls
16 are routed.
17     As also referenced earlier, this page
18 references the new Polycom branding and acquisition
19 of OBi.
20     As seen on this page, it shows the
21 Service Provider 3 or SP3 slot. And I had to
22 name this configuration to reference that it is
23 associated with my Google Voice fax line ending in
24 6698. And as checked, it is configured to route

1 incoming and outgoing calls through Phone Port 2.
2   Q. Okay. So basically under the setting
3 Configuration Name, you're basically putting in
4 your Google Voice number ending 6698, right?
5   A. Yes.
6   Q. And then below that, you're telling OBi
7 that for Phone Port 2, the service provider is
8 Google Voice, correct?
9   A. Yes.
10   Q. You can go to HULCE290 of Exhibit A.
11   A. All right, I have that open.
12   Q. And I'll get there myself.
13     Now, as far as I understand, this is
14 basically showing a bunch of different settings for
15 the OBi device; is that correct?
16   A. Yes. This is a page from one of the
17 online administrative portals associated with the
18 OBi device. And this specific page is configuring
19 the Voice over Internet Protocol codec settings
20 controlling how calls are encoded for the digital
21 transmission between the OBi device and the phone
22 service provider.
23   Q. Okay. So it looks like -- there's a
24 column to the right. The far right column has a

21 (Pages 78 - 81)

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1 bunch of question marks. I assume you click that,
2 and it gives you an explanation, but that doesn't
3 really matter for what I'm talking about.
4    I'm looking at the column right next to it
5 which says Default.
6    Do you see that?
7    A. Yes, I see that.
8    Q. Okay. And if you go down to the sort of
9 heading where it says G729 Codec, do you see that?
10 It's like three-quarters of the way down.
11    A. Yes, I see that.
12    Q. It looks like there, the default -- there
13 was a change to the default.
14    Do you recall making that change?
15    A. Yes, I recall making this change. The
16 G729 codec is a voice codec used only in situations
17 where bandwidth is very limited or expensive. That
18 did not apply to my case. The G729 codec also does
19 not work well with modem devices due to a very
20 restricted bit rate.
21    Consequently, I overrode the default to
22 disable this codec so that it would not be used
23 inadvertently for any fax transmissions to avoid
24 any problems that may be associated with that.

1    Q. And you didn't want this -- well, sorry,
2 strike that.
3    But you chose to change this from the
4 default, right?
5    A. Yes, I chose to change this from the
6 default.
7    Q. Okay. And then the very next sort of
8 section or where the title says G726R32 Codec, do
9 you see that?
10    A. Yes, I see that.
11    Q. And it looks like you also made a default
12 change.
13    Do you see that?
14    A. Yes, I see that.
15    Q. Okay. Do you know why you made this
16 default change?
17    A. That's the same reasons as the 729 codec.
18    Q. All right. Now if you go to -- just
19 scrolling down to HULCE291, it looks like under the
20 sort of box that says -- or where there's a heading
21 that says Fax Event.
22    Do you see that?
23    A. Yes, I see that.
24    Q. And it looks like the default was changed,

1 correct?
2    A. Yes.
3    Q. Did you make that change to default?
4    A. Yes.
5    Q. And what was the reason you made that
6 change?
7    A. I do not recall the reason for changing
8 this. I also do not understand what the OBi device
9 means by fax event. I believe I changed the
10 default at some point while attempting to
11 troubleshoot an issue sending or receiving faxes at
12 some point in the past.
13    Q. Okay. Now if you go to the very next
14 page, which is HULCE292, and I believe we touched
15 upon this earlier, but here it's talking about it
16 looks like the T.38 standard.
17    And it looks like you made at least two
18 changes to the default settings here; is that
19 right?
20    A. Yes, that is correct.
21    Q. The first one is it looks like -- where
22 it says T.38 Enable, it looks like you deselected
23 that; is that right?
24    A. Yes, that is correct.

1    Q. And I believe you may have touched upon
2 this earlier, but why did you make this change?
3 Why did you disable the T.38 standard?
4    A. Yes. T.38 is a VoIP standard which aims
5 to improve sending and receiving of faxes over VoIP
6 lines. Unfortunately, there are numerous problems
7 associated with this standard. There are many
8 different versions that have different capabilities
9 that are not easily deployed. Many devices and
10 service providers have compatibility issues or
11 other problems which prevent T.38 communications
12 from working correctly. And also, to the -- to my
13 knowledge, Google Voice does not support T.38.
14    So to optimize the sending and receiving
15 of faxes, I opted to completely disable the T.38
16 functionality and just rely on the other codec
17 options.
18    Q. Okay. And I think the other codec option
19 is right below it.
20    But before we get there, it looks like you
21 enabled the T38ECM.
22    And I think ECM stands for error
23 correction mode; is that right?
24    A. Yes, that is correct.

22 (Pages 82 - 85)

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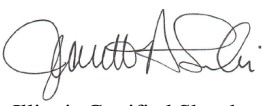
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1   Q.  Did you make this change to the T38ECM?
2   A.  Yes.  I made that change in earlier
3 attempts to troubleshoot fax functionality before I
4 completely disabled T.38.
5   Q.  Okay.  And then I think we were talking
6 about these other codecs.  And at the very -- well,
7 just below -- two lines below T38ECM, it says
8 FaxPassThroughCodec and then it has that G711U.
9       Is that the -- since you disabled the
10 T.38, is that sort of the -- I guess the standard
11 or the way it's being transmitted or what is that?
12   MR. KAUFMAN:  Objection to form.
13   THE WITNESS:  Per my understanding, no, the
14 T.38 is disabled, as we covered earlier.  This
15 setting has no effect.  As far as I understand, the
16 FaxPassThroughCodec is an option to determine how
17 faxes are sent through when a T.38 mode does not
18 engage.  I do not fully understand how this works
19 on the OBi device.
20 BY MR. KERN:
21   Q.  All right.  Now we're going to bounce a
22 little bit here just because they're a little out
23 of order, but if you go to HULCE301 of Exhibit A.
24       Let me know when you're there.

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1   A.  Okay, I'm there.
2   Q.  Okay.  And I think -- do you recognize
3 this as a screenshot from the OBi web interface of
4 other settings?
5   A.  Yes, I recognize this to be a screenshot
6 from the Obihai web interface.  Specifically, this
7 is the configuration settings for the service
8 provider CorVel C, which I understand to be the one
9 that is used for the Google Voice account ending in
10 6698.
11   Q.  Okay.  In the top right there, do you see
12 the letters ITSP?
13   A.  Yes.
14   Q.  Do you -- I didn't know what that meant
15 before.  I did some research.  But I think it means
16 Internet telephony service provider; is that right?
17   A.  Yes, that is correct.
18   Q.  Okay.  And then so as we go down here,
19 there's a -- on the left, there's a line that says
20 Proxy Server.  And it looks like in that box, it
21 says obihai.sip.google.com.
22       Do you see that?
23   A.  Yes, I see that.
24   Q.  And is that you making a change from the

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1 default to tell the OBi that this 6698 number is
2 associated with a Google Voice account?
3   A.  Although the default options are unchecked
4 on these, these settings are managed automatically
5 by the OBiTALK portal upon signing into a Google
6 Voice account, so I did not manually change any of
7 these settings that are on this screen.  But to my
8 understanding, the proxy server, outbound proxy,
9 and other settings on this screen are used to tell
10 the OBi device to communicate with Google -- with
11 the Google Voice servers.
12   Q.  Okay.  So I think we talked about it
13 earlier.  So you log into the OBi device.  You
14 basically just want to tell the OBi device -- you
15 log in online to the web portal.  You tell the OBi
16 device, my service provider is Google Voice.  And
17 then I think you said then you have to log into
18 your Google Voice account.
19       And then when you do that, does that
20 sort of -- not pair the device -- I guess pair the
21 devices, and then based on you selecting Google
22 Voice as your service provider, it sort of filters
23 all of -- it makes the necessary default setting
24 changes to kind of pair those accounts?

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1   MR. KAUFMAN:  Objection to form.
2   THE WITNESS:  Yes, that is correct.  The
3 OBi's online configuration interface has preset
4 selections for a large number of different service
5 providers, including Google Voice.
6       Upon selecting one of those and inputting
7 basic account information, in my case the Google
8 account information, the online portal
9 automatically selects all of these parameter names
10 and values as appropriate for that service
11 provider.
12       This screen is also available if someone
13 wanted to make a custom setup or a change in
14 advanced settings for some reason, which did not
15 apply in my case.
16 BY MR. KERN:
17   Q.  Okay.  So you didn't specifically make
18 these default change settings on this web
19 interface, but as a result of other choices you
20 made on the web portal, this automatically -- these
21 default settings sort of automatically changed; is
22 that right?
23   A.  That is correct.
24   Q.  Okay.  So I'm just going to -- I think you

23 (Pages 86 - 89)

1 said it, but on Page 301 it looks like there's a
2 number of changes to the default settings.
3     Do you recall making any of those changes
4 yourself?
5     A.  I do not recall making any of these
6 changes on this page myself.  To my understanding,
7 all of the nondefault options on this page were
8 automatically selected upon configuring the
9 Google Voice account.
10     Q.  Okay.  And as well there, too, on
11 HULCE302, if you go down, do you recall making any
12 of these default changes, or were these changes the
13 result of some other choices you made?
14     A.  I do not recall making any of these
15 changes.  These are all consequences of the other
16 configuration by setting up the Google account.
17     Q.  Okay.  And if you go down to HULCE304 of
18 Exhibit A.
19     A.  Yep.
20     Q.  Do you see where it says Name and then it
21 says GV Fax (262) 293-6698?
22     Do you see that?
23     A.  Yes, I see that.
24     Q.  Is this where you put the 6698 number in

1     A.  I made some of these changes, not all of
2 them.
3     Specifically, the OutboundCallRoute
4 setting was changed as a result of configuring both
5 the Google Voice service provider in the SP3 slot
6 and the 911 outward call service provider in the
7 SP4 slot.  This OutboundCallRoute reflects the
8 routing that any outgoing 911 calls are to be
9 routed through the SP4 slot, not through Google
10 Voice.
11     The PrimaryLine configuration reflects
12 that the primary line for the Phone 2 Port is the
13 SP3 service, that's the Google Voice service, the
14 6698.
15     I do not recall making the changes to the
16 ToneOnPrimaryServiceDown, the RingWaveform options,
17 although I do not understand what they mean fully.
18 I just believe they relate to some sort of ringing
19 options or other settings.
20     Down in the Port Settings option, I do
21 recall changing the ChannelTxGain and the
22 ChannelRxGain options from their default settings.
23 Again, this was an option to change the audio
24 levels on the port in an attempt to optimize fax

1 and told OBi that, hey, it's a Google Voice
2 account?
3     A.  No.  The Name field here is only just for
4 human use to make it easier to refer to what each
5 profile or set of settings on the portal means.
6 The option to input the Google Voice account was
7 made elsewhere in the web interface.
8     Q.  Well, on this specific page, HULCE304,
9 did you make any of these changes to the default
10 settings or was this a result of other choices you
11 made using the web portal?
12     A.  I did not make any of these changes to
13 these settings on this page personally.  These were
14 all configured automatically upon signing into the
15 Google Voice account.
16     Q.  Okay.  Then we're going to go to HULCE307.
17     A.  Okay.
18     Q.  So, again, this is similar to what we've
19 been looking at.  It looks like there's default
20 settings, and it looks like there are changes to
21 default settings.  You can tell what changes were
22 made.
23     Did you make these changes that appear on
24 HULCE307 to the default settings?

1 communications.  I read a post somewhere online
2 which suggested making these changes to increase
3 the odds of sending and receiving faxes
4 successfully.
5     Q.  All right.  So if we just go down -- and I
6 know this is tedious.  We're almost done with at
7 least this portion.
8     If you go down to HULCE -- well, I think
9 the Bates number is covered up, but it would -- it
10 is HULCE308, but I think you just can't see it
11 because of the black heading on the bottom.
12     Do you see the page I'm looking at?  It
13 would be the page right after HULCE307.
14     A.  Yes, I see that page.
15     Q.  Okay.  And in the middle of the page, it
16 looks like there are changes to default settings.
17     Do you see that?
18     A.  Yes, I see that.
19     Q.  You have three -- it looks like there's
20 four changes actually.
21     Did you make each of these four specific
22 changes?
23     A.  Yes, I recall making these changes, again
24 in attempt to optimize the fax communications

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1 through the OBi device. The OBi device in most
2 cases is used for interfacing with telephones for
3 human voice communication, and some of the
4 behaviors of the device are really centric to
5 making voice calls sound good and other related
6 goals. These settings are to inform the OBi device
7 that this line is being used for fax and modem
8 communications and that it should optimize the way
9 it behaves for that situation.
10    Q.  So we know -- well, strike that.
11       Have you ever used the 6698 number --
12 well, strike that.
13       Has the 6698 number exclusively been
14 designated for only faxes since you obtained that
15 number from Google Voice?
16    A.  Since I obtained that number, all of my
17 I'll say production communications on that number
18 are -- were faxes. And upon initially obtaining
19 that number and at a few points while holding the
20 number, I did make several voice calls both to and
21 from that number just to confirm that the number
22 was functioning correctly, things like caller ID
23 and other related functions worked.
24       But as far as I remember, I have never

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1 made any actual useful voice calls on this number.
2 The 6698 number has been totally dedicated for fax
3 usage.
4    Q.  Okay. And where you changed the
5 setting -- well, where it says UseForFaxOnly, I
6 assume you make that change to tell OBi, hey, this
7 is for faxes, right?
8    A.  Yes.
9    Q.  Okay. And UseForModemOnly, do you know
10 what you're signalling to OBi by changing that
11 default setting?
12    A.  I believe that is a similar setting
13 which basically tells it to disable various things
14 which are -- which it normally does for voice
15 communications.
16       Those functioning may include such things
17 as like comfort noise generation or automatic audio
18 level controls, which make voice calls sound more
19 natural and nice between people but may interrupt
20 modem communications and fax communications, which
21 are a subtype of modem.
22       So when configuring the OBi device in
23 order to make sure that faxes worked as well as
24 possible on this line which I was dedicating for

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1 faxes, I changed the settings in order to just
2 optimize things.
3    Q.  And then the FaxDetectionMethod, the
4 default was changed there to CNG or CED.
5       Why did you make that change?
6    A.  I do not understand what CNG or CED means.
7 I believe I unchecked that box just while
8 troubleshooting and just left it unchecked.
9    Q.  Okay. And on the bottom left corner of
10 this page, I see what appears to be an IP address,
11 192.168.1.88.
12       Do you see that?
13    A.  Yes, I see that.
14       To my understanding, that is the local
15 area network IP address of the OBi device on my
16 home network at the time that these screenshots
17 were printed.
18    Q.  OBi device is connected to your home
19 network?
20    A.  Yes.
21    Q.  And how is it -- how is that done? How
22 do you connect the OBi device to your home
23 network?
24    A.  The OBi device is connected to my home

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1 network via an ethernet network cable from a
2 network jack on the OBi device to my router, as we
3 discussed earlier during how I set up the OBi
4 device.
5    Q.  Okay. Well, you'd agree that the OBi
6 device is connected to the Internet?
7    A.  Yes.
8    Q.  And that is how it receives data from
9 Google Voice, correct?
10    A.  Yes, that is correct.
11    Q.  And it receives that data in digital
12 format, correct?
13    A.  Yes, that is correct.
14    Q.  And then internally within your house, it
15 converts that digital data to some other format,
16 correct?
17    A.  Yes, that is correct.
18    Q.  We just have a few more pages to go in
19 these settings.
20       And if you go down to HULCE311. Again, it
21 looks like it is a screenshot from May 6th, 2022.
22 It says Setup Wizard in the top right.
23       Again, it lists a number of settings. And
24 there's a column which says Default. And it looks

25 (Pages 94 - 97)

1 like on this page, there are quite a few changes to
2 those settings.
3     Do you recall specifically making any of
4 these changes?
5   A.  Yes.  So starting under System Management,
6 under LocalTimeZone, the time zone was defaulted to
7 a different time zone.  I changed it to be my own
8 time zone, Central Time.
9     Administrative Password was set to a
10 default password.  I changed it to a unique
11 password for security reasons.
12     Moving down to the ITSP Profiles, this
13 references the different service provider slots
14 available on the device.  The device has four
15 different service providers in spots A, B, C,
16 and D.
17     Everything under ITSP A is the default
18 because I am not using that device, not using that
19 service provider slot.
20     As you can see, the ITSP A ProxyServer
21 is blank because it's not connecting to any
22 server.
23     ITSP B is a different -- is one of the
24 Google Voice accounts that is connected to the

1 device, and that, of course, changed from the
2 default normal SIP configuration.
3     And then once selecting the Google Voice
4 account, that then adds the proxy server and the
5 port and the other information there.
6     So B and C are the different Google Voice
7 accounts that are configured on the device.  As
8 mentioned earlier, one of them is the 6698 fax
9 dedicated line that is at issue.  The other is just
10 the old home landline number that is used for
11 various landline purposes.
12     Finally, ITSP D is a -- that is the
13 outgoing 911 call service provider that is used in
14 case any of the phone ports need to make a 911
15 emergency call.  That is only used for those
16 outgoing emergency calls.  Those details were
17 automatically put in upon adding that service
18 provider through the OBiTALK menu.
19     Moving on to Outbound Calls, as referenced
20 there, each of the Phone 1 and Phone 2 have a
21 primary -- have a different primary line set.  One
22 of them is set for the home landline service.  One
23 of them is set for the Google Voice service.  And,
24 again, they're also set to route 911 calls on that

1 specific service provider.
2   Q.  And then we don't necessarily need to go
3 through each change.  I'll ask if there's any
4 significance to it.
5     But on HULCE312, it looks like there are a
6 number of changes to the default settings again.
7     Did you -- do you recall making these
8 specific changes to the various -- changes to the
9 default settings?
10   A.  No.  These settings, again they're
11 automatically managed upon adding a service
12 provider.  The OBiTALK system automatically puts in
13 many of these details into the relevant fields.
14 The user name and password information there does
15 not mean anything to me, and I did not enter those
16 manually.
17   Q.  Okay.  And then HULCE313, again there is
18 a -- there's various settings and there are default
19 settings and there are variations or changes to
20 those default settings.
21     Did the changes to the default settings
22 that appear on HULCE313 -- are these changes you
23 made or that the system made based on other input?
24   A.  These changes were made by the system

1 based on other input.  I did not make these changes
2 manually.
3   Q.  Okay.  And then the same question for 314.
4 Again, there are default settings and there are
5 changes to them.
6     Are these ones that you made or the system
7 made based on other inputs you made?
8   A.  I believe I made some of these changes
9 myself.  Specifically, configuring the caller ID
10 name to configure a custom outgoing caller ID
11 field.  The BlockedCallers field was to block some
12 other spam or unwanted incoming calls.  The
13 MessageWaiting, I disabled because that is not
14 relevant to a fax setup.  I believe that's
15 everything on that page.
16   Q.  Okay.
17   A.  The other things like the
18 SkipCallScreening, SMSNotify, I believe those are
19 managed automatically.
20   Q.  If you were using a -- or if you still
21 subscribed to a traditional phone line from a local
22 phone company, would you need a device like the OBi
23 device?
24   A.  So it depends on how you subscribe to that

26 (Pages 98 - 101)

1 line from the phone company. In many cases, phone
2 companies are actually supplying some type of
3 device similar to this because they have moved to
4 an all-digital system inside their network.
5        I know of several local exchange carriers,
6 particularly sonic.net in California, which does
7 supply their customers with a very similar device
8 to this OB with a similar configuration once they
9 subscribe to their landline telephone service
10 because they have decommissioned their old
11 telephone switches and moved to a digital switching
12 and distribution network.
13    Q.  I think I have -- I'm almost done.  I
14 think I have just a few questions just to maybe
15 clarify anything earlier in case I missed
16 something, so apologize if there's any redundancy.
17        But if the Internet's down, you don't
18 receive calls or faxes through your Google Voice
19 account, correct?
20    MR. KAUFMAN:  Objection to form.
21    THE WITNESS:  Yes, that is correct.
22 BY MR. KERN:
23    Q.  If there's an issue with the router in
24 your house, you don't receive faxes or calls

1    Q.  And this is a document that looks like --
2 it's a device -- it says Device Configuration at
3 the top.  It looks like it is configuration
4 settings for the OBiTALK.
5        Is that what you understand this to be?
6    A.  Yes.  I understand this to be one of the
7 main pages within the OBiTALK online configuration
8 portal which provides a general overview of the
9 device information and its service providers and
10 phone ports on the device.
11    Q.  And I think we've been over most of the
12 information in here.  I don't want to really beat
13 the dead horse, but it looks like you can -- or
14 down in the middle of the page where it says SP3,
15 it looks like you're designating the service
16 provider there as Google Voice and it's the 6698
17 number, correct?
18    A.  Yes, that is correct.
19    Q.  And then likewise on the bottom right
20 corner there where it says Phone 2, you're telling
21 OBi that the Phone 2 or Phone Port 2 on the back of
22 the device is associated with that Google Voice
23 account which is SP3, correct?
24    A.  Yes, that is correct.

1 through your Google Voice account for the 6698
2 number, correct?
3    A.  Yes, that is correct.
4    Q.  And it's your understanding that the data
5 transmitted over the Internet by virtue of the
6 Google Voice account is transmitted in digital
7 format over the Internet, correct?
8    A.  Yes, that is correct.  To my
9 understanding, it is a digitally-encoded version
10 of the communications that are passing through the
11 phone line.
12    Q.  Is it your understanding that if you were
13 to connect the OBi device to a wall jack while that
14 wall jack is getting service from a local telephone
15 company that you can damage the OBi device?
16    A.  I don't know about damaging the device,
17 but to my understanding if that occurred there
18 would be some interference with that between the
19 operation of the different telephone systems.
20    Q.  I think that's it.  Just give me like
21 30 seconds to make sure there's nothing else.
22        I think just one more page I want to
23 reference.  It's HULCE539 from Exhibit A.
24    A.  All right.

1    Q.  The question I have is about this SP4, the
2 OB Anveo.
3        What's OB Anveo?
4    A.  Yes, that is the 911 service provider that
5 I have configured, as I referenced.  That is a
6 company called Anveo.  I don't know how it's
7 pronounced.  My account with them is only for 911
8 purposes.  It will only make outgoing calls to 911
9 or to a separate text number that's set up as 933.
10 It does not have the ability to make any other
11 outgoing calls or any other incoming calls not
12 associated with those emergency purposes.
13        As summarized under the Phone Port
14 Configuration Summary, both lines look -- both
15 phone ports are configured to route emergency calls
16 to that SP4 that will be the Anveo account, and
17 they're also configured to route incoming calls
18 back from SP4 to either of those phone ports just
19 in case an emergency dispatcher wanted to call back
20 for some reason.
21    MR. KERN:  That's all I have.  Thank you,
22 James.
23    THE WITNESS:  Okay.
24    MR. KAUFMAN:  Very good.  We'll read.

27 (Pages 102 - 105)

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1    THE REPORTER:  Joseph, did you need this
2  written?
3    MR. KERN:  Yes, please, if we could have a
4  condensed pdf.
5    THE REPORTER:  And did we just use Exhibit A?
6    MR. KERN:  That's all we used, yeah.
7    THE REPORTER:  Okay, so I'll just attach
8  Exhibit A.
9        And then is it just regular delivery?
10    MR. KERN:  Yes.
11    THE REPORTER:  Avi, did you need a copy?
12    MR. KAUFMAN:  Yeah, we'll take an electronic
13  one as well.
14    THE REPORTER:  Okay.  With that exhibit
15  attached also?
16    MR. KAUFMAN:  We could probably do without it.
17    THE REPORTER:  Okay.
18    MR. KERN:  Yeah, I don't think we need the
19  exhibit attached either.
20    THE REPORTER:  Okay.  Thank you, everyone.
21        (Deposition concluded at
22          3:22 p.m. CDT)
23
24

1  STATE OF ILLINOIS  )
2              )  SS:
3  COUNTY OF GRUNDY   )
4    I, JEANETTE A. SANDEI, an Officer of the
5  Court, do hereby certify that heretofore, to-wit,
6  on July 7, 2022, remotely appeared before me,
7  JAMES HULCE, in a cause now pending and
8  undetermined in the United States District Court
9  for the Eastern District of Wisconsin, Milwaukee
10  Division, wherein James Hulce on behalf of himself
11  and others similarly situated is the Plaintiff, and
12  Lustre-Cal Corporation is the Defendant.
13    I further certify that the said witness was
14  first duly sworn to testify the truth, the whole
15  truth and nothing but the truth in the cause
16  aforesaid; that the testimony then given by said
17  witness was reported stenographically by me,
18  and afterwards reduced to digital format by
19  Computer-Aided Transcription, and the foregoing
20  is a true and correct transcript of the testimony
21  so given by said witness as aforesaid.
22    I further certify that the signature to the
23  foregoing deposition was not waived by counsel for
24  the respective parties.

1    I further certify that the taking of this
2  deposition was pursuant to notice, and that there
3  were present remotely at the deposition the
4  attorneys hereinbefore mentioned.
5    I further certify that I am not counsel for nor
6  in any way related to the parties to this suit, nor
7  am I in any way interested in the outcome thereof.
8    IN TESTIMONY WHEREOF:  I have hereunto set my
9  verified digital signature this 11th day of July,
10  2022.
11
12
13      Illinois Certified Shorthand Reporter
14
15
16
17
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20
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23
24

1            Veritext Legal Solutions
              1100 Superior Ave
2              Suite 1820
            Cleveland, Ohio 44114
3            Phone: 216-523-1313
4
  July 20, 2022
5
  To: Mr. Kaufman
6
  Case Name: Hulce, James v. Lustre-Cal Corporation
7
  Veritext Reference Number: 5307804
8
  Witness:  James Hulce      Deposition Date:  7/7/2022
9
10  Dear Sir/Madam:
11
  Enclosed please find a deposition transcript.  Please have the witness
12
  review the transcript and note any changes or corrections on the
13
  included errata sheet, indicating the page, line number, change, and
14
  the reason for the change.  Have the witness' signature notarized and
15
  forward the completed page(s) back to us at the Production address
16  shown
17  above, or email to production-midwest@veritext.com.
18
  If the errata is not returned within thirty days of your receipt of
19
  this letter, the reading and signing will be deemed waived.
20
21  Sincerely,
22  Production Department
23
24  NO NOTARY REQUIRED IN CA

28 (Pages 106 - 109)

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1      DEPOSITION REVIEW
        CERTIFICATION OF WITNESS

2

        ASSIGNMENT REFERENCE NO: 5307804
3      CASE NAME: Hulce, James v. Lustre-Cal Corporation
        DATE OF DEPOSITION: 7/7/2022
4      WITNESS' NAME: James Hulce
5        In accordance with the Rules of Civil
     Procedure, I have read the entire transcript of
6    my testimony or it has been read to me.
7        I have made no changes to the testimony
     as transcribed by the court reporter.
8

     _____   _____
9    Date          James Hulce
10       Sworn to and subscribed before me, a
     Notary Public in and for the State and County,
11   the referenced witness did personally appear
     and acknowledge that:
12
        They have read the transcript;
13      They signed the foregoing Sworn
            Statement; and
14      Their execution of this Statement is of
            their free act and deed.
15
        I have affixed my name and official seal
16
     this _____ day of_____, 20____.
17

            _____
18      Notary Public
19      _____
        Commission Expiration Date
20
21
22
23
24
25

1      DEPOSITION REVIEW
        CERTIFICATION OF WITNESS

2

        ASSIGNMENT REFERENCE NO: 5307804
3      CASE NAME: Hulce, James v. Lustre-Cal Corporation
        DATE OF DEPOSITION: 7/7/2022
4      WITNESS' NAME: James Hulce
5        In accordance with the Rules of Civil
     Procedure, I have read the entire transcript of
6    my testimony or it has been read to me.
7        I have listed my changes on the attached
     Errata Sheet, listing page and line numbers as
8    well as the reason(s) for the change(s).
9        I request that these changes be entered
     as part of the record of my testimony.
10
        I have executed the Errata Sheet, as well
11   as this Certificate, and request and authorize
     that both be appended to the transcript of my
12   testimony and be incorporated therein.
13   _____   _____
     Date          James Hulce
14
        Sworn to and subscribed before me, a
15   Notary Public in and for the State and County,
     the referenced witness did personally appear
16   and acknowledge that:
17      They have read the transcript;
        They have listed all of their corrections
18          in the appended Errata Sheet;
        They signed the foregoing Sworn
19          Statement; and
        Their execution of this Statement is of
20          their free act and deed.
21      I have affixed my name and official seal
22   this _____ day of_____, 20____.
23
            _____
        Notary Public
24
        _____
25      Commission Expiration Date

1      ERRATA SHEET
        VERITEXT LEGAL SOLUTIONS MIDWEST
2        ASSIGNMENT NO: 5307804
3    PAGE/LINE(S) /      CHANGE      /REASON
4    _____
5    _____
6    _____
7    _____
8    _____
9    _____
10   _____
11   _____
12   _____
13   _____
14   _____
15   _____
16   _____
17   _____
18   _____
19
        _____   _____
20   Date          James Hulce
21   SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
22   DAY OF _____, 20_____ .
23          _____
        Notary Public
24
            _____
25      Commission Expiration Date

| & | | | |
|---|---|---|---|

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER:  THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019.  PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.